1

2

4

5

6

7

9

10

11 12

13

1415

1617

18

19

2021

22

23

2425

26

27

28

## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MARIA TERESA HERNANDEZ,

Plaintiff,

v.

KILOLO KIJAKAZI, acting Commissioner of Social Security,

Defendant.

CASE NO.: 1:21-cv-00036-BAK-GSA

ORDER VACATING SHOW CAUSE AND GRANTING EXTENSION FOR DEFENDANT TO FILE A RESPONSE BRIEF

On January 27, 2022 the Court entered an order for Defendant to show cause why Defendant did not file a response brief by the January 24 deadline. Doc. 18. Defendant responded on February 3, 2022 indicating that counsel of record is out of the country, inadvertently missed the deadline and neglected to seek an extension. Doc. 19. The parties now stipulate to an extension to February 21, 2022 for Defendant to file the response brief. Doc. 20.

When considering whether good cause exists to modify a scheduling order, courts consider the foreseeability of the impediment to meeting the deadline and the party's diligence in seeking the extension once it became apparent they could not meet the deadline. *See Sharp v. Covenant Care LLC*, 288 F.R.D. 465, 467 (S.D. Cal. 2012); *Ordaz Gonzalez v. Cty. of Fresno*, No. 1:18-CV-01558-BAM, 2020 WL 2539287, at \*2 (E.D. Cal. May 19, 2020). The Court has the inherent power to manage its own docket to achieve an orderly and expeditious resolution of cases. *Southern California Edison Co. v. Lynch*, 307 F.3d 794 (9th Cir. 2002).

The inadvertently missed deadline was promptly addressed in Defendant's response to the show cause order and the extension is unopposed.

	Case 1:21-cv-00036-BAK Document 21 Filed 02/04/22 Page 2 of 2
1 2 3 4	Accordingly, it is <b>ORDERED</b> that the order to show cause, Doc. 18, is <b>VACATED</b> and Defendant's deadline to file a response brief is <b>EXTENDED</b> to and including February 21, 2022. All other deadlines are adjusted accordingly.
5	IT IS SO ORDERED.
6 7 8	Dated: February 3, 2022 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE
9	
10	
11	
12	
13	
14 15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27 28	
20	2